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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/977,192	10/16/2001	Stefan Andersson	027557-071	3198

7590 03/16/2005

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EXAMINER

WILLIAMS, JEFFERY L

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 03/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/977,192

Applicant(s)

ANDERSSON, STEFAN

Examiner

Jeffery Williams

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/16/2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-50 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1 – 6, 19, 24 – 27, 36 – 43, and 47 – 50, drawn to a system comprising a cryptographic application program interface for managing secure communications and a separate device utilized for cryptographic protection, are classified in class 713, subclass 192.
- II. Claims 7 – 18, 20 – 23, 28 – 35, and 44 – 46, drawn to a mobile telecommunications device comprising specific cryptographic and wireless security features, are classified in class 380, subclass 270.

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the combination does not require a mobile telecommunications device comprising a public key cryptographic module, the cryptographic module providing cryptographic services over a telecommunications interface, a WIM module, or a security manager module for interfacing with a remote computer. The subcombination has separate utility such as that it can be used to provide cryptographic services for a generic system or device as opposed to solely the

1 combination system requiring a cryptographic application program interface and
2 supporting elements.

3 Because these inventions are distinct for the reasons given above and have
4 acquired a separate status in the art as shown by their different classification, restriction
5 for examination purposes as indicated is proper.

6
7 **Conclusion**

8
9 Any inquiry concerning this communication or earlier communications from the
10 examiner should be directed to Jeffery Williams whose telephone number is (571) 272-
11 7965. The examiner can normally be reached on 8:30-5:00.

12 If attempts to reach the examiner by telephone are unsuccessful, the examiner's
13 supervisor, Andrew Caldwell can be reached on (571) 272-3868. The fax phone
14 number for the organization where this application or proceeding is assigned is 703-
15 872-9306.

16 Information regarding the status of an application may be obtained from the
17 Patent Application Information Retrieval (PAIR) system. Status information for
18 published applications may be obtained from either Private PAIR or Public PAIR.
19 Status information for unpublished applications is available through Private PAIR only.
20 For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should
21 you have questions on access to the Private PAIR system, contact the Electronic
22 Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 09/977,192
Art Unit: 2137

Page 4

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Jeffery Williams
571.272.7965
March 9, 2005

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large, stylized initial "A".

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER